

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

UNITED STATES OF AMERICA, )  
                                )  
                                )  
                                ) Case No. 1:04CR00010  
                                )  
v.                            )  
                                )  
                                )  
**JAMES PAUL ANDREW STILLWELL,** )     **OPINION**  
                                )  
                                )  
                                ) By: James P. Jones  
                                ) United States District Judge  
                                )  
                                )  
Defendant.                  )

*James Paul Andrew Stillwell, Pro Se Defendant.*

James Paul Andrew Stillwell, a federal inmate proceeding pro se, has filed a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255 (West Supp. 2011), alleging ineffective assistance at sentencing. For the reasons stated, I must deny Stillwell's § 2255 motion without prejudice as successive.

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). Court records indicate that Stillwell previously filed a § 2255 motion concerning this same conviction and sentence. *See Stillwell v. United States*, Case No. 7:06CV00626, 2007 WL 391548 (W.D. Va. Feb. 1, 2007) (Turk, J.). Because Stillwell offers no indication that he has obtained certification from the court of

appeals to file a second or successive § 2255 motion, I must dismiss Stillwell's current action without prejudice.

A separate Final Order will be entered herewith.

DATED: May 4, 2012

/s/ James P. Jones  
United States District Judge